

REGULAR MEETING AGENDA

Wednesday, April 10, 2013 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

OPENING

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium and in order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

The ZBA will make every reasonable effort to complete this agenda in a timely manner. However complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently. Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting. And some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

CONTINUATION OF PUBLIC HEARINGS

CALENDAR NO. 56-2012

Opened on January 16, 2013 and continued to the subsequent meeting on February 13, 2013 to allow the applicant time to provide answers to questions which were raised. **The previously seated ZBA members for this request are Vic Capellupo, Gary Greene, Jeff**

Williams, Stephen Olvany and Rich Wood. John Ashburne also reviewed the application materials, a DVD recording of the January 16th segment of the hearing, and the submitted documents in order to be fully informed of this request and be available to sit on this application. The hearing was recontinued on February 13th and also on March 13th to tonight April 10th at the applicant's request. This hearing must be completed no later than April 26, 2013 (up to 100 total days from its January 16th opening). The next scheduled regular ZBA meeting is April 24, 2013. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

The application of Lawrence J. Loustaunau and Architectural Woodworks on behalf of Louis Benedetto filed on December 19, 2012 for an interpretation under Section 337 and variances of Sections 332 and 334 of the Darien Zoning Regulations; to allow the construction of two residences; Section 337: a determination as to the proper application of the Zoning Regulation requirements; Section 332: 0.0 in lieu of 50.0 feet minimum required lot frontage on a street; Section 334: construction on a portion of a lot with 97.0 in lieu of 100.0 feet minimum required lot depth. The property is situated at the end of a right of way on the north side of Raymond Street approximately 380 feet east of the intersection of Cliff Avenue and Raymond Street and is also situated at the end of Carolyn Court approximately 300 feet west of the intersection of Carolyn Court and Rowayton Avenue in Norwalk and is shown on Assessor's Map #36 as Lots #107 and 108, being 000 Raymond Street and located in an R-1/5 (residential) Zone.

CALENDAR NO. 11-2013

Opened on March 20, 2013 and continued to tonight April 10, 2013 to allow the applicant time to provide answers to questions which were raised. **The previously seated ZBA members for this request are Vic Capellupo, Gary Greene, Jeff Williams, Stephen Olvany and John Ashburne.** The applicant may provide an extension allowing the ZBA to continue this hearing to a subsequent meeting. The next scheduled regular ZBA meetings are April 24, 2013 and May 15, 2013. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

The application of Victoria Trepp filed on February 13, 2013 for a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of a generator; Section 406: 1.5 in lieu of 40.0 feet minimum required rear yard setback. The property is an interior lot situated on the west side of Driftway Lane approximately 750 feet north of the intersection of Driftway Lane and Old Farm Road and is shown on Assessor's Map #66 as Lot #125, being 28 Driftway Lane and located in the R-1 (residential) Zone.

CALENDAR NO. 12-2013

Opened on March 20, 2013 and immediately continued to tonight April 10, 2013 at the applicant's request. Since no testimony, comment, or additional information was

provided to the ZBA on March 20th, the seated ZBA panel for this request is those members present tonight. This hearing must be completed by April 24, 2013 (within 35 days after its March 20th opening). The next scheduled regular ZBA meeting is April 24, 2013. Or the applicant may provide up to a 65 day extension allowing the ZBA to continue this hearing up to 100 total days.

The application of Wilder G. Gleason, Esq and Gleason & Associates LLC on behalf of ASL Partners LLC filed on February 13, 2013 for an interpretation of Section 371 or a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a 5'-7 1/8 " wide x 9'-9 3/8" high cupola; Section 371: a determination that the proposed cupola may be excused from the building height limitations; or Section 406: 34.5 in lieu of 30.0 feet maximum allowable building height. The property is situated on the east side of Long Neck Point Road approximately 1,000 feet south of the intersection of Pear Tree Point Road and Long Neck Point Road and is shown on Assessor's Map #61 as Lot #9, being 203 Long Neck Point Road and located in an R-1 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 17-2013

The application of Nicholas Macri and Macriture, LLC on behalf of Beth Gardella filed on March 13, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one story covered porch; Section 406: 20.0 in lieu of 25.0 feet minimum required front yard setback. The property is situated on the southwest side of the 90 degree turn of Bailey Avenue approximately 270 feet south of the intersection of West Avenue and Bailey Avenue and is shown on Assessor's Map #39 as Lot #61-5, being 27 Bailey Avenue and located in the R-1/5 (residential) Zone.

CALENDAR NO. 21-2013

The application of Wilder G. Gleason, Esq. and Gleason Associates LLC on behalf of Robert H. Brocking and Joy L. Brocking and contract purchasers Loren Meyer and Paige Ridley filed on March 13, 2013 for an amendment to ZBA Calendar No. 63-2012 and variances of Sections 666 and 926.3 of the Darien Zoning Regulations; to allow a revised parking layout and a ground sign; with respect to submitted Site Plan dated 3-7-13; an amendment of ZBA Calendar No. 63-2012 to delete Stipulations 2 and 3; Section 666b: 5.0 in lieu of 65.0 feet minimum required setback from the Cross Street street line for the parking and 25.8 in lieu of 65.0 feet minimum required setback from the Old Kings Highway South street line for the parking; and Section 926.3: 24.8 in lieu of 30.0 feet minimum required Cross Street front yard setback for the sign and 15.8 in lieu of 30.0 feet minimum required Old Kings Highway South front yard setback for the sign; or with respect to submitted Site Plan dated 3-13-13: an amendment of ZBA Calendar No. 63-2012 to delete Stipulation 2 and modify Stipulation 3; Section 666b: 5.9 in lieu of 65.0 feet

minimum required setback from the Cross Street street line for the parking and 6.0 in lieu of 65.0 feet minimum required setback from the Old Kings Highway South street line for the parking; and Section 926.3: 14.5 in lieu of 30.0 feet minimum required Cross Street front yard setback for the sign and 25.0 in lieu of 30.0 feet minimum required Old Kings Highway South front yard setback for the sign. The property is situated on the northwest corner of the intersection formed by Cross Street and Old Kings Highway South and is shown on Assessor's Map #63 as Lot #19, being 164 Old Kings Highway South and located in the SB (commercial) Zone.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Discussion, deliberation and possible decisions for Public Hearing request items listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.
2. Approval of Minutes of meeting on January 23, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, and John Ashburne.
3. Approval of Minutes of meeting on February 13, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Stephen Olvany, Ruth Anne Ramsey, Rich Wood, and John Ashburne.
4. Review of Final Resolution and stipulations preparation, and possible procedure adjustments.
5. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
6. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).